

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 14-cv-01672-BNB

**(The above civil action number must appear on all future papers sent to the court in this action. Failure to include this number may result in a delay in the consideration of your claims.)**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RANDALL LEE MARTY,

Defendant.

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**ORDER TO CURE DEFICIENCIES**

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Mr. Randall Lee Marty, initiated this action by filing, *pro se*, a Writ of Habeas Corpus in his criminal case, No. 96-cr-00085-LTB. On June 16, 2014, Senior Judge Lewis T. Babcock reviewed the Writ, construed the pleading as more properly filed pursuant to 28 U.S.C. § 2241, and directed the Clerk of the Court to open a separate § 2241 action. This action now is pending initial review pursuant to D.C.COLO.LCivR 8.1(b). The Court has determined that the submitted documents are deficient as described in this Order. Mr. Marty will be directed to cure the following if he wishes to pursue his claims. Any papers that Mr. Marty files in response to this Order must include the civil action number on this Order.

**28 U.S.C. § 1915 Motion and Affidavit:**

- (1)   X   is not submitted  
(2)      is missing affidavit

- (3)  is missing a certified prisoner's trust fund statement showing Mr. Marty's current balance in his account
- (4)  the account statement showing the current balance in prison account is not certified
- (5)  is missing required financial information
- (6)  is missing an original signature by the prisoner
- (7)  is not on proper form (must use the Court's current form)
- (8)  names in caption do not match names in caption of complaint, petition or habeas application
- (9)  An original and a copy have not been received by the court. Only an original has been received.
- (10)  other: **In the alternative Mr. Marty may pay the \$5 filing fee.**

**Complaint, Petition or Application:**

- (11)  is not submitted
- (12)  is not on proper form (must use the Court's current form)
- (13)  is missing an original signature by the prisoner
- (14)  is missing page nos.
- (15)  uses et al. instead of listing all parties in caption
- (16)  An original and a copy have not been received by the court. Only an original has been received.
- (17)  Sufficient copies to serve each defendant/respondent have not been received by the court.
- (18)  names in caption do not match names in text
- (19)  other:

Accordingly, it is

ORDERED that Mr. Marty cure the deficiencies designated above **within thirty days from the date of this Order**. Any papers that Mr. Marty files in response to this Order must include the civil action number on this Order. It is

FURTHER ORDERED that Mr. Marty shall obtain the Court-approved forms used in filing an Application for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and a Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 in a Habeas Action (with the assistance of his case manager or the facility's legal assistant), along with the applicable instructions, at [www.cod.uscourts.gov](http://www.cod.uscourts.gov). Mr. Marty must use Court-approved forms to cure the deficiencies. It is

FURTHER ORDERED that if Mr. Marty fails to cure the designated deficiency **within thirty days from the date of this Order** the action will be dismissed without further notice.

DATED June 16, 2014, at Denver, Colorado.

BY THE COURT:

s/Boyd N. Boland  
United States Magistrate Judge